

REMARKS

Claims 1-8 were examined and remain in the case unamended.

Reconsideration of the rejections and the objection are requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §112

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

This rejection is respectfully traversed.

The rejection is based on the presence in claim 2 of "the drive means." In the enclosed copy of the claims, that language appears at line 3, immediately following "wherein." However, antecedent basis for "the drive means" can be found in claim 2, at line 2, where the language "a drive means" appears. It is urged, therefore, that the rejection has been overcome.

Claim Rejections - 35 U.S.C. §103

Claims 1-2 and 6-8 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Okuchi (US 6,193,398) in view of Schmitt (US 2005/0033486) and further in view of Halasz (US 5,890,084).

This rejection is respectfully traversed.

Claim 1, the only independent claim, has been rejected on a combination of the three references identified above. Dependent claims 2 and 6-8 are likewise rejected on a combination of at least the same three references.

Applicant does not agree with the examiner's conclusion that the rejected claims are not patentable over the cited combination of the references. However, it is not necessary to rebut the examiner's technical discussion of all the references at this time, as will now be explained.

Enclosed is an English translation, signed by the translator, of JP 2002-354914. That Japanese application was filed in Japan on December 6, 2002, and is the application whose

priority is claimed in the inventor's declaration filed for the present application. The priority application fully supports the claimed invention as can be seen from the translation.

However, the cited Schmitt published application was filed on September 9, 2004, almost two years after the Japanese priority date for the instant application. Moreover, the Schmitt published application claims to be a continuation-in-part of application serial no. 10/378,225, filed March 3, 2003, and issued as US 6,834,218, on December 21, 2004. These dates also are subsequent to the priority date of the instant application. In turn, US 6,834,218 is said to be a continuation of application serial no. 09/682,974, filed November 5, 2001, now US 6,529,803, issued March 4, 2003.

The rejection relies on Schmitt (US 2005/0033486), for allegedly disclosing control of a safety system of a vehicle in which centrifugal force is calculated using vehicle mass, velocities in the x and y directions and the yaw rate [citing paragraph 102 on page 6 of Schmitt]. However, it is not seen that either US 6,834,218 or US 6,529,803 contain the cited disclosure. Schmitt, then, is only entitled to its filing date of September 9, 2004, and is not effective prior art to the instant application, which is entitled to its Japanese priority date of December 6, 2002.

Therefore, for at least this reason, the rejection cannot stand and is therefore overcome. In view of the argument made above in overcoming the rejection, applicant need not and does not comment on the examiner's recitation of the disclosures of the other references but reserves its right to do so later if necessary.

The rejection of claims 1-2 and 6-8 is overcome. The claims would not have been obvious to one of ordinary skill in the art over the Okuchi and Halasz references. Schmitt is not properly prior art and cannot be relied upon as prior art.

Allowable Subject Matter

Claims 3-5 were objected to as being dependent on a rejected base claim, but were otherwise said to be allowable if rewritten in independent form.

The examiner is thanked for the indication of the allowable subject matter. In view of the arguments made above concerning the allowability of the other claims, it is not seen that claims 3-5 need to be rewritten. The claims are urged to be allowable in their present form.

Conclusion

It is urged that original claims 1-8 are allowable for at least the indicated reasons. Prompt issuance of a notice of allowance is appropriate and is urged.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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